

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIM. NO. 00-001 (PG)

UBALDO RIVERA COLON, Et, al.

Defendant.

**MOTION OF THE UNITED STATES FOR
SET ASIDE FINAL ORDER OF FORFEITURE**

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, and very respectfully moves this Honorable Court for a Final Order of Forfeiture in the above-styled case, and in support thereof represents to the Court the following facts:

1. On May 23, 2003, the court entered a Preliminary Order of forfeiture with respect the following property: (Docket #556)

ONE URBAN APARTMENT #301, CONDOMINIUM CAPARRA CLASSIC, ORTEGON STREET, GUAYNABO P.R. MORE FULLY DESCRIBED AT THE PROPERTY REGISTRY FOR THE COMMONWEALTH OF PUERTO RICO AS FOLLOWS:

PROPIEDAD HORIZONTAL: Unidad designada #301, localizada en el piso 3, tercer nivel del Condominio Caparra Classic, ubicado en el Barrio Pueblo Viejo de Guaynabo, Puerto Rico. Esta unidad tiene un area neta privada de aproximadamente 3,516.00 equivalentes a 326.77 metros cuadrados. Colinda por el Norte: en una distancia de 65' con pared exterior del edificio; Sur: en una distancia de 64'10 en parte con la unidad designada #302 y en parte con vestibulo del piso con pared colindante con conducto al ascensor y con pared colindante con escalera del edificio; Este: en distancia de 65'7, con pared exterior del edificio; y por el OESTE: en distancia de 65'7, con pared exterior del edifici. Consta de un antesala, por donde tiene su entrada principal, un medio bano, una sala, un comedor, una terraza que queda al Este del edificio, una terraza que queda al Oeste del edificio, un cuarto de maquina de los aires acondicionados, un linen closet, una lavandería cuatro dormitorios cada uno con un cuarto de bano, y un salon familiar consistente de una unidad con divisiones

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interiores, la cual tiene acceso alpasillo comun a traves de su puerta principal.

ORIGEN: Finca #35,178, inscrita al folio 292 del tomo 984 de Guaynabo, inscripción 1ra.

PROPIETARIO REGISTRAL: Lourdes Colon Ortiz

2. That in April, 2004 the parties reached a Stipulation for Compromise Settlement, copy is attached for ready reference as exhibit 1, that in exchange for the dismissal of the action against the defendant property, claimant Lourdes Colón agreed to paid the United States the amount of \$122,500.00. At the moment of signing the aforementioned document claimant tendered the United States a check payable to the United States Department of Justice. (See Case 94-1107 (JAF) Docket #133

3. Thus, based on the present circumstances the United States requests to set aside the May 23, 2003 Preliminary Order of Forfeiture as to the aforementioned property.

WHEREFORE, the United States moves this Court for an Order Setting Aside Preliminary Order of Forfeiture and that the Property Registrar for the pertinent sections of the Registry of Property of the Commonwealth of Puerto Rico set aside the forfeiture inscription of the above property.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this date I electronically filed the foregoing motion using the CM/ECF system which will provide notice of filing to all appearing parties.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 13 day of July, 2007.

ROSA EMILIA RODRIGUEZ-VELEZ

United States Attorney


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